

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SUPER PERFECT INVESTMENTS LTD,  
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Petitioner,  
:

-v-  
:

AGROINVESTBANK OPEN JOINT STOCK  
COMPANY,  
:

Respondent.  
:  
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20-CV-5552 (JMF)

MEMORANDUM OPINION  
AND ORDER

JESSE M. FURMAN, United States District Judge:

On July 17, 2020, Petitioner filed a Petition to Recognize and Enforce an Arbitration Award. ECF No. 1. On July 20, 2020, the Court set a briefing schedule for Petitioner’s submission of any additional materials in support of the Petition, Respondent’s opposition, and Petitioner’s reply. ECF No. 7. Petitioner served Respondent with the Petition, supporting materials, and the briefing schedule. ECF Nos. 12-13. Pursuant to the briefing schedule, Respondent’s opposition was due no later than August 17, 2020. ECF No. 7. To date, Respondent has neither responded to the Petition nor otherwise sought relief from the Award.

The Court must treat the Petition, even though unopposed, “as akin to a motion for summary judgment based on the movant’s submissions.” *Trs. for Mason Tenders Dist. Council Welfare Fund, Pension Fund, Annuity Fund & Training Program Fund v. Capstone Constr. Corp.*, 11-CV-1715 (JMF), 2013 WL 1703578, at \*2 (S.D.N.Y. Apr. 19, 2013) (discussing in depth the legal standards for resolving unopposed petitions to confirm arbitration awards). After reviewing the Petition and the supporting materials, the Court finds that there is no genuine issue

of material fact precluding summary judgment as to all portions of the Award, substantially for the reasons set forth in Petitioner's memorandum of law. *See* ECF No. 6.

Accordingly, it is hereby ORDERED that the Petitioner's unopposed Petition is hereby GRANTED, and the Award is hereby confirmed, recognized, and will be enforced under Section 9 of the Federal Arbitration Act and Article IV of the Convention on Recognition and Enforcement of Foreign Arbitral Awards. It is further ORDERED that, pursuant to the Award, Respondent shall pay Petitioner:

- (1) \$11,000,000.00 representing damages (the "Damages") pursuant to the Award;
- (2) \$12,867,288.12 representing interest on the Damages pursuant to Award, comprising:
  - (a) \$11,880,000, representing interest on the Damages at 18% per annum between February 25, 2014 and February 25, 2020; and
  - (b) \$987,288.12 representing interest on the Damages at 18% per annum between February 25, 2020 and August 24, 2020;
- (3) \$193,394.00 representing costs for the arbitral proceedings in Switzerland; and
- (4) \$546,274.57 representing legal costs and other expenses incurred in relation to the arbitral proceedings in Switzerland.


The Court declines at this time to award Petitioner fees and costs for *this* proceeding, as Petitioner fails to identify the basis for such an award and fails to submit any documentation in support of such an award. If Petitioner wishes to pursue the matter, it may renew the request for fees and costs — citing appropriate authority for such an award, submitting contemporaneous billing records in support of such an award, and justifying counsel's hourly rates — no later than **September 1, 2020**.

Finally, it is further ORDERED that this Court shall retain jurisdiction over this action for any further proceedings as necessary to enforce the Award.

The Clerk of Court is directed to close this case.

SO ORDERED.

Dated: August 25, 2020  
New York, New York

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JESSE M. FURMAN  
United States District Judge